Sectt. H-27—100,000—30-6-45.

Development (19$ Department.

SERIES.

G.O. No. 179

Dated 10-3-45

[Despatch Abstract.]

Labour - Industrial Statistics Act 1942 - Amendment of Rule 3 of the Census of Manufacturing Industries Rules, 1944 - approval form of notice - Adopted.

NO.6-G(2)/47-
GOVERNMENT OF INDIA
MINISTRY OF INDUSTRY AND SUPPLY.
OFFICE OF THE DIRECTOR OF INDUSTRIAL STATISTICS.

'GORTON CASTLE',
Simla, the 28th January 1948.

From

B.N. Kaul, Esquire,
Director of Industrial Statistics .

To

The Secretary to the Government of Madra
Development Department,
M A D R A S.

Sub:1 Amendment of Rule 3 of the Census of Manufacturing Industries Rules, 1945, to cover new factories - Consequential amendment of the form of notice to be served on new factories.

*** *** ***

Sir,

In continuation of this Office letter No.5-SG(22)/46. dated the 24th July 1947, I have the honour to invite a reference to para 2 of this Office letter No. 5- SG(20)/46 dated the 11th December 1946 and to forward herewith the revised forms of notice, which it is considered, should be adopted for the service of notice on factories which come within the scope of the Census of Manufacturing Industries Rules, 1945, in the course of a year for which the Census is being conducted. Two revised forms of notice are enclosed @ in the sugar industry and (2) factories other than those engaged in the sugar industry and (2) factories engaged in the sugar industry. It will be observed that the forms of notice enclosed herewith contain amendments only in paras 1, 2 and 5 of the forms of notice forwarded with the late Industries and Civil Supplies Department's letter No. 3-S(25) /45 dated the 10th November 1945.

@ relating to (1) Factories other than those

2. I am to request that the Provincial Government may kindly let this Office have any comments which they may have to make on the suggested revised forms of notice. Meanwhile they may instruct their Statistics Authority to adopt these forms in serving notices on factories which come within the scope of the Census of Manufacturing Industries Rules, 1945, in the course of 1948 and in the course of subsequent years.

I have the honour to be,
Sir,
Your most obedient servant

Sd. x x x
Director of Industrial Statistics.

/True Copy/

REGISTERED

FORM OF NOTICE TO BE SERVED ON THE OCCUPIERS OF FACTORIES OTHER THAN THOSE ENGAGED IN THE SUGAR INDUSTRY REGARDING SUBMISSION OF RETURN FOR 194-------

(For use in the case of factories which come within the scope of the Census of Manufacturing Industries Rules, 1945, during the year for which the return is required).

*** *** ***

NO. _____
GOVERNMENT OF _____
OFFICE OF THE STATTSTICS AUTHORITY

Address _____

_____

Station _____

Dated _____ 194

From

(Name of Statistics Authority)

_____

Statistics Authority

To

(Name and address of the occupier of the factory).

SUBJECT: INDUSTRIAL STATISTICS ACT, 1942 - CENSUS OF MANUFACTURING INDUSTRIES RULES, 1945 - NOTICE FOR FURNISHING OF RETURN FOR THE YEAR 194- , in RESPECT OF (NAME AND LOCATION OF THE FACTORY)

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SIR,
GENTLEMEN,

In pursuance of sub-section (1) of section 5 of the Industrial Statistics Act, 1942, read with the Census of Manufacturing Industries Rules, 1945, notice is hereby served on you that in respect of (name and location of the factory) _____
~~his/her~~ you should furnish, in the form enclosed with this

/2..

letter, to the undersigned at the address mentioned above, as soon as possible after the 31st December, 194-, and in any case not later than the 28th February , 194-, a return in duplicate covering that part of the calendar year 194- during which the factory was engaged in the industry to which the enclosed form relates. The return should be prepared in accordance with the instructions given in the form. However, all references in the form to the year ending 31st December 194- should be construed as references to the portion of this year during which the factory was engaged in the industry to which the form relates.

2. If the factory in respect of which this notice is served is owned by a company incorporated in any of the provinces of India or elsewhere, you should also forward with the return required under paragraph 1 above, two copies each of the company's annual balance sheet and profit and loss account, as well as of the directors' report, if any, for the period ending 31st December of the year to which the return relates if the company's accounts are closed on that date; otherwise, for the last proceeding preceding period for which the accounts of the company were closed. If these documents are not prepared for any period ending on a date on which the factory was covered by the Census of Manufacturing Industries Rules, 1945, they need not be forwarded; but the position should be explained when furnishing the return.

3. The return, along with the documents, if any, mentioned in paragraph 2 above, should be despatched in the manner prescribed in sub-rule ~~6 of the~~ (1) of rule 6 of the Census of Manufacturing Industries Rules, 1945.

4. Three copies of the form in which the return referred to in paragraph 1 above is to be furnished are enclosed herewith. Two copies of the form should be used for submission of the return in duplicate to the undersigned as required in paragraph 1 above. In the third copy of the form you should retain as required under sub-rule (2) of Rule 4 of the Census of Manufacturing Industries Rules, 1945, an exact copy of the return submitted by you.

5. If the form forwarded herewith does not relate to the industry in which the factory in respect of which this notice is served, is engaged (or is about to be engaged), you should, within seven days of the receipt of this notice, intimate to the undersigned the name of the industry in which the factory is engaged (or is about to be engaged) if the industry is one of those mentioned in Schedule I appended to the Census of ~~industry~~ Manufacturing Industries Rules, 1945, together with a fresh notice, if necessary. You should then furnish a return in that form as if the form and the fresh notice, if any, were received on the date on which this notice was received by you. The procedure described here is obligatory, both on the occupier of a factory and on the Statistics Authority, under rule 5 of the Census of Manufacturing Industries Rules, 1945.

6. The information called for by this notice is compulsory. In this connection, your attention is invited to section 8 of the Industrial Statistics Act, 1942, which is reproduced below:

> "8. Penalties.- If any person required to furnish any information or any return -
>
> (a) wilfully refuses or without lawful excuse

/3..

neglects to furnish such information or return as required under this Act, or

(b) wilfully furnishes or causes to be furnished any information or return which he knows to be false, or

(c) ~~wilfully~~ refuses to answer or wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under this Act,

of if any person impedes the right of access to relevant records and documents or the right of entry conferred by section 6, he shall for each such offence be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence with a further fine which may extend to two hundred rupees, for each day after the first during which the offence continues; and in respect of false information, returns or answers the offence shall be deemed to continue until true information or a true return or answer has been given or made".

7. All information furnished by you in the return will be treated as confidential and, if published, will be published in combination with information received from other factories in such a manner that no particulars can be identified as referring to any individual factory. This is incumbent under ~~section~~ section 7 of the Industrial Statistics Act, 1942, and heavy penalties are prescribed under section 9 of the Act for improper disclosure of information. These sections of the Act are reproduced below for your information

"7. Restriction on the publication of returns and information. -

(1) No individual return, and no part of an individual return, made, and no information with respect to any particular undertaking given, for the purposes of this Act, shall, without the previous consent in writing of the owner for the time being of the undertaking in relation to which the return or information was made or given, ~~or~~ would enable any particulars to be identified as referring to a particular undertaking. of his authorized agent be published in such manner as

(2) Except for the purposes of a prose~~cu~~ecution under this Act or under the Indian Penal Code (XLV of 1860), no person not engaged in connection with the collection of statistics under this Act shall be permitted to see any individual return or information referred to in sub-section (1).

*** ***

9. Penalty for improper disclosure of information of returns.- If any person engaged in connection with the collection of statistics under ~~the Indian~~ this Act wilfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an

/4..

offence under this Act or under the Indian Penal Code (XLV of 1860) , he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both imprisonment and fine".

In order further to safeguard against improper disclosure of information, a code system will be adopted in this office under which before a return is passed to the office for being handled, all particulars disclosing the identity of the factory given on page 1 of the return shall be removed from the return and it shall bear only a code number.

8. I am to explain for your information that the subject with which the present enquiry is being conducted is to hold a census of industrial production in India. Such censuses are held in other countries like the United Kingdom, the United States of America, Canada, Australia, etc. The information called for is necessary for building up a complete picture of the position of any industry. The result of this enquiry will, therefore, be of great value to the community. Your co-operation and personal attention in this matter is, therefore, requested. In this connection, I am further to state that the Census of Manufacturing Industries Rules, 1945 and the instructions contained in the form of return should be carefully, read at the time of the receipt of this notice, and steps should be taken, if necessary, to ensure that at the end of the period for which the return is required to be furnished, the information asked for is readily available for the filling up of the form. If any point connected with the rules or with the instructions contained in the form is not clear to you, it may kindly be referred to the undersigned, who will be glad to furnish further clarification and explanation required. If necessary, an official of this office will call on you or on any other person deputed by you in this behalf, to offer explanation and clarification.by personal discussion, and to render any other reasonable asistance which you may require.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. x x x

Statistics Authority.

Enclosures : - 3 copies of the form of return for 194-.

/True Copy/

Development Department.

Letter NS. 1179 , dated 10-3-1948.

To

The Director of Industrial Statistics,
Simla.

Sub: LABOUR - Industrial Statistics Act 1942 - - Amendment of Rule 3 of the Census of Manufacturing Industries Rules, 1945 - Revised forms of notice - Adopted.

Ref: Your letter No.6-G (2)/47 dated 28-1-48.

*** *** ***

Sir,

I am directed to state that this Government have no comments to make on the revised forms of notice.

Your obedient servant.

Sd. x x x
Secretary to Government.

/True Copy/

Copy to the Commissioner of Labour with reference to his letter No.D. 301/48, dated 29-2-48. He is requested to adopt the ~~raised~~ revised forms for serving notices on factories which come within the scope of the Census of Manufacturing Industries Rules during the course of the year as instructe in para 2 of the Director's letter quoted above.

Sd. x x x
7-3-48.

/True Copy/

Superintendent,
1-9-1953,
MADRAS RECORD OFFICE.